

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**FILED**

OCT 06 2005

LEONARD GREEN, Clerk

SCOTT D. DALESANDRO, on behalf of himself and all :  
others similiary situated; DIANE NOONAN, on behalf of :  
herself and all others similiary situated :

Plaintiffs - Appellees, Cross-Appellants

INTERNATIONAL PAPER COMPANY

Defendant - Appellant, Cross-Appellee

1:01-cv-109

ORDER

05 OCT -7 PM 4:05

FILED  
JAMES BOWEN  
CLERK

In accordance with the agreement reached in settlement discussions conducted pursuant to Rule 33, Rules of the Sixth Circuit, the parties jointly move for a remand of this cause to the United States District Court for the Southern District of Ohio, Western Division, for determination of the parties' motion filed pursuant to Rule 60(b), Federal Rules of Civil Procedure and of the motion for settlement approval pursuant to Federal Rules of Civil Procedure 23(e).

Upon consideration of the motion and further considering Judge Beckwith's order of August 2, 2005,

**IT IS ORDERED** that the motion be and hereby is granted. The appeals are remanded to the District Court for further proceedings. See First National Bank of Salem, Ohio v. Hirsch, 535 F.2d at 343 (6th Cir. 1976). The appeals may be reinstated at anytime upon motion by either party but no later than thirty (30) days after an order denying final approval of the settlement.

ENTERED PURSUANT TO RULE 33(d)  
RULES OF THE SIXTH CIRCUIT  
Leonard Green, Clerk

*Leonard Green*

LEONARD GREEN  
CLERK

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT  
100 EAST FIFTH STREET, ROOM 540  
POTTER STEWART U.S. COURTHOUSE  
CINCINNATI, OHIO 45202-3988

MS. MICHELLE M. DAVIS  
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Filed: October 6, 2005

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RE: 05-4028: 05-4029  
Dalesandro vs. Intl Paper Co  
District Court No. 01-00109

Enclosed is a copy of an order which was entered today in the above-styled case.

Leonard Green, Clerk

(Ms.) Michelle M. Davis  
Case Manager

Enclosure

cc:  
Mr. James Bonini